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cc: Paula VanHaagen/R10/USEPA/US, John Palmer/R10/USEPA/US,
cc:

Subject: Initiating consultation on WA WQS revisions

Thanks for taking the time for this initial phone call on how to get started on the WA WQS ESA consultation. I'm summarizing below what I took away from the call. Let me know if you have a different take on things.

1) Species lists and life histories

- I'll send a letter to FWS to request a list from them; FWS can provide the list by county (Jim, I'm assuming it isn't set up by basin)
- I'll get the NMFS listings from their website
- Thom will have Gabriella Lang, Portland NMFS, send me the BA checklist she is almost done creating -- has guidance on how to approach each section of BA
- NMFS species status reports (available on line) have life history summaries and factors contributing to decline
- Jim will send me life history information in Adobe for FWS species

2) Scoping the consultation

- once I get the lists we can talk specifically about what might be "discussion" species (addressed with a short summary of no effect) versus species needing more detailed analysis
- initial thinking from FWS is that bull trout will be their focus, although need to address eagles insofar as could affect prey base of eagles; not clear if parameters like T and DO would necessitate consultation on the aquatic plants (checker mallow, water howellia, Ute ladies tresses)
- initial thinking from NMFS that won't need to deal with marine mammals and focus will be salmonids, however the state is likely to change their marine cyanide criterion for waters on the WA coast (to complete their state adoption of CN marine aquatic life criteria and get removed from the Federal promulgation) -- if so, we may want to complete the overall CN consultation carried over from the 1997 triennial review. (NOTE: alternatively, the state adoption of the marine CN criteria is no change from what is currently in effect under the Federal promulgation -- i.e. same number; therefore maybe it doesn't need consultation)
- I will send Jim and Thom the draft table I created of potential consultation topics, although we won't know the range of topics until we see the State's package on July 1

3) Environmental baseline

- Needed to create the baseline from which to talk about effects of the action; try and do on a basin-by-basin approach
- Sources of information -- WA 2002 305(b) report (may be too broad an extrapolation); WA draft 2002 303(d) report (may be available in Aug 2003); NOAA status reports for each ESU -- how address differences between the 303(d) listing criteria versus the new criteria that may be adopted?

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Changes to WA WQS (** indicates likely to require ESA consultation)	Potential Issues to Evaluate in CWA review and ESA consultation	Steps/Players to Resolve
010 – Introduction	none	
020 – Definitions ** - “new or expanded action - “thermal refuge”	none	
200 – Fresh water uses and criteria **	<ul style="list-style-type: none"> - char – T, spawning criteria, where and when applied - salmonid spawning – where and when, what T during spawning - protection of existing cold water - T to prevent acute lethality - DO – depends on whether change from current criteria - TDG exemptions – any issues re ESA? - Bacteria, agricultural criteria, pH, turbidity – none 	
210 – marine water uses and criteria **	<p>NOTE: not clear if change to use-based for marine waters, if no change in uses or criteria, will need ESA consultation</p> <p>Bacterial criteria – CWA issue, not ESA</p>	
240 – toxic substances **	<ul style="list-style-type: none"> - ammonia – not changed for waters with salmonids, so no ESA consult? - cyanide for WA coast 	
260 – other wq criteria and applications **	<ul style="list-style-type: none"> - natural and irreversible human conditions – how are human conditions treated ? 	

300 – antidegradation **	<ul style="list-style-type: none"> - Tier 2 procedures - tier 3 – options for tier 2 1/2 - what ESA consultation is needed if this always supports wq at least as good as the criteria, if not better? 	
410 – short-term mods **	- addition of longer-duration activities to this category, including restoration activities such as dam removal	
420 – variances **	limited ESA consultation because EPA will need to review, approve, and consult on each individual application of the policy	
430 – site specific criteria **	“ ”	
440 – use attainability analysis **	“ ”	
450 – water quality offsets **	ESA issues?	
510 – means of implementation **	- compliance schedules for dams	
600 – specific use designations – fresh waters **	<ul style="list-style-type: none"> - char - salmonid spawning 	
610 – specific use designations – marine waters		